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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,450	09/25/2001	Nicholas Alexander Rutter	31574-00006	2410

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EXAMINER

NGUYEN, PHUNG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,450

Applicant(s)

RUTTER ET AL.

Examiner

Phung T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamano [U.S. Pat. 5,729,207]

Regarding claim 1: Yamano discloses a corrosive gas detecting sensors comprising housing means 11; and detection circuitry 15 (figure 2, col. 3, lines 57-64) for detecting said radiation and/or pollutants; the detection means including detection circuitry and a power source 25 (figure 5, col. 5, lines 27-34); wherein said detection circuitry is contained within a cartridge 10 which is mountable within said housing means and removable therefrom (figure 1, col. 3, lines 15-29).

Regarding claim 4: Yamano discloses the first electrical connection means 17 (figure 3, col. 4, lines 7-14) connectable to an external power supply (col. 4, lines 55-57) and the cartridge includes second electrical connection means 15 (figure 3, col. 60-67) engageable with the first connection means for electrically connecting the cartridge to the power supply.

Regarding claim 7: Yamano discloses a plurality of apertures 16 (figure 1, col. 3, lines 30-33) to allow the passage of the radiation and/or into the cartridge for detection by the detection means.

Regarding claim 8: Yamano discloses in the first position the closure means closes the apertures and in the second position the closure means opens the apertures as seen in figure 1, col. 3, lines 19-27.

Regarding claim 9: Yamano discloses the closure means is movable between the first and second positions in response to insertion and removal of the cartridge into and from the housing means (col. 3, lines 15-28).

Regarding claim 10: Yamano discloses a reset signal to the alarm (col. 4, lines 38-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamano in view of Tice [U.S. Pat. 5,440,293]

Regarding claim 2: Yamano discloses the housing 11 (figure 1, col. 3, line 18). Yamano does not disclose an upper housing member and a base, the upper housing member and the base being adapted to be fitted together as claimed. However, Tice discloses a detector supervision apparatus and method comprising an upper housing member 20a and a base housing member 20b (figure 1, col. 2, lines 63-68) being adapted to be fitted together. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the

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teaching of Tice in the system of Yamano because forming the upper housing member and the base as two part devices would facilitate long term maintenance which is desirable.

Regarding claim 3: Yamano discloses the housing 11 to which the cartridge 10 is attached (figure 1, col. 3, lines 15-27). It is seen that the housing 11 of Yamano including support means and carrier means being for seating the cartridge thereon for insertion into the housing means.

Regarding claim 5: Yamano does not disclose in the first position the cover means restricts physical access to the first connection means and in the second position the cover means allows engagement of the first and second connection means. However, Tice discloses the cover 20a (figure 1, col. 2, lines 63-65) restricts physical access to the first connection and in the second position the cover means allows engagement of the first and second connection (figure 1, col. 3, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art to use the teaching of Tice into the system of Yamano in order to supply power to the device.

Regarding claim 6: Yamano discloses insertion and removal of the cartridge 10 into and from the housing means (col. 3, lines 15-29).

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamano in view of Markwell et al. [U.S. Pat. 6,078,269]

Regarding claim 11: Yamano does not disclose a test signal to the alarm thereby to test the alarm. However, Markwell et al. disclose a battery-powered, RF-interconnected detector sensor system which discloses a test means 65 (figure 1, col. 3, lines 50-59) to test the alarm.

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Therefore, it would have been obvious to the skilled artisan to employ the teaching of Markwell et al. in the system of Yamano in order to test the system which is an advantage.

Regarding claims 12 and 13: Yamano discloses a signal indicative of a fire is output via the output unit 22 (figure 4, col. 4, lines 42-45). Yamano does not directly show an alarm sounder and the detection means is fully self-contained can operate as an alarm independently of the housing as claimed. However, Markwell et al. disclose a plurality of detectors, each detector 20, 20A-C includes a horn alarm 30 (figure 1, col. 3, lines 50-54, and col. 4, lines 26-30). Therefore, it would have been obvious to the skilled artisan to use the teaching of Markwell et al. into the device of Yamano in order to sound an alarm indicative of the heat, radiation and/or pollutants.

Response to Arguments

6. Applicant's arguments filed 11/21/02 have been fully considered but they are not persuasive.

Applicant's argument:

Applicant argues that nothing in Yamano does not disclose or suggest at least the feature of a detection means for detecting heat, radiation and/or pollutants, where the detection means includes both detection circuitry and a power source and is mountable within and removable from a housing means.

Response to argument:

Examiner respectfully disagrees with the Applicant's argument because Yamano indicates that his cartridge includes detection circuitry 15 and a power source 25 (col. 3, lines 57-64, col. 5, lines 27-34) and is mountable within and removable from a housing means (col. 3,

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lines 15-29) for detecting heat, radiation and/or pollution (col. 1, lines 5-8, and col. 2, lines 18-21). Therefore, this claim feature is not considered inventive and the applicant's argument is not deemed persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization

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where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

Date: January 28, 2003


DANIEL J. WU
PRIMARY EXAMINER
2/10/03